

7 - 5 SUMMARY OF CLEAN HARBORS ARAGONITE OVERSIGHT BY THE DIVISION OF SOLID AND HAZARDOUS WASTE

Oversight Staff

The Commercial / Federal Facilities Section of the Division of Solid and Hazardous Waste is responsible for the oversight of the compliance and permitting of the Clean Harbors Aragonite hazardous waste incinerator. Two engineers are assigned to conduct these activities. A third staff member reviews and tracks the financial assurance issues at the facility.

Routine Facility Inspection Program

On-site inspections of the facility are usually conducted weekly. These inspections focus on different segments of the operation of the facility. These may include inspections of the waste receiving and waste analysis procedures, waste tracking, proper handling of the wastes, security, personnel training, response to contingencies, proper operation of the incinerator, instrument calibrations, review of closure cost estimates, and analysis and off-site shipment of the residue generated from the process. Operations occur continuously at the facility so nighttime inspections are also occasionally conducted. Trial burns, performance tests, and audits are also a part of the inspection program. Staff are on-site to monitor these projects during the entire test period which usually lasts from one to three weeks. The Division also has a connection to the computer systems used at the site to record the incineration operating parameters and waste tracking information. These activities are monitored on a daily basis.

Special Investigation Activities

Investigations are conducted based on complaints or allegations and self-reported non-compliance.

Enforcement Activities

Following each inspection, a Notice of Inspection is left with the facility outlining observations, issues, and concerns noted during the inspection. This provides the facility with a way to quickly respond to potential enforcement concerns. As a result of information gathered during inspections, enforcement documents such as Warning Letters, Notices of Violation, and Compliance Orders are issued to Aragonite. A written response outlining the corrective actions is required to be submitted by the company. Civil penalties are calculated based on the Board Penalty Policy. Final civil penalties are negotiated with the facility. A Stipulation and Consent Order is prepared to resolve the enforcement action. These are subject to public review and are then approved by the Utah Solid and Hazardous Waste Control Board.

Other Facility Inspection Activities

A significant portion of the inspections at the facility deals with the construction certification program. Physical changes to the facility require certification by the facility and a Utah Licensed Professional Engineer for the construction. The Division staff monitors these construction activities and performs a final construction certification inspection prior to the new or modified unit being placed into service.

As part of federal authorization of the hazardous waste program, federal EPA regional staff conducts oversight inspections, usually annually. Additionally, EPA is required to conduct an annual on-site inspection of Aragonite for the federal Off-Site Policy to ensure that Superfund waste is being handled acceptably. Division staff participates in these inspections. EPA has also deferred to the State permitting and enforcement activities dealing with PCBs.

Permitting Program

Aragonite submits requests for modifications to its permit on a regular basis. These requests are reviewed for technical adequacy and compliance with applicable regulations. Class 2 and 3 modifications include public participation. Class 1 modifications are designed to be of a more minor nature and may be approved by the Executive Secretary without public participation. Any permitting action may be appealed to the Utah Solid and Hazardous Waste Control Board. Permits are issued for a term of ten years but are subject to a five-year review.

Permits are also issued by the DEQ Division of Air Quality.

For further information, contact Dennis Downs, (801) 538-6170, e-mail: ddowns@utah.gov